

## CONTROL OF WHARF PROPERTY AND PUBLIC SPACES IN THE DISTRICT OF COLUMBIA.

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MAY 19, 1898.—Referred to the House Calendar and ordered to be printed.

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Mr. KING, from the Committee on the District of Columbia, submitted  
the following

### REPORT.

[To accompany H. R. 10294.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 10294) entitled "A bill relative to the control of wharf property and certain public spaces in the District of Columbia," beg leave to submit the following report, and recommend that said bill do pass with the following amendment:

Page 2, line 7, strike out the words "invested with the exclusive," and insert in lieu thereof the words "authorized and empowered to make all needful rules and regulations for the."

This bill, which was prepared by the Commissioners of the District, is designed to remedy an evil which has existed for some time. There is considerable wharf property within the District, and from it, if properly controlled, there might be collected in the shape of rents, tolls, etc., an amount annually far in excess of all expenses incident to the necessary police control. Owing to the fact that there has been some uncertainty as to the department having authority to control this property, occupants have escaped payment of rent and no proper control has been exercised. In order to obviate these difficulties and to clearly determine the question, this bill commits to the Commissioners of the District the exclusive charge and control of all wharf property within the District.

No objection is made to the proposition to vest the authority in this body. Upon the contrary it is conceded by all that the property should be so controlled.

Sections 3 and 4 relate to the control of various parks and reservations in the District.

The following letters show the necessity of this legislation:

COMMITTEE ON THE DISTRICT OF COLUMBIA,  
*United States Senate, April 28, 1898.*

DEAR SIR: I inclose a letter from Colonel Bingham, in charge of public buildings and grounds, in regard to the divided jurisdiction that now exists over the parking.

I would suggest that the Commissioners cause to be prepared a bill stating specifically what reservations should belong to the park system of the District of Columbia, so that there may hereafter be no question as to the park system on the one hand or the control of the Commissioners on the other in the matter of street parking. This is the more necessary from the fact that, as I understand it, difficulty has arisen in regard to the proper assessments for improvements and the application of the appropriation for paving around public reservations.

Also, the bill should include a provision for the control of the wharf property. This subject was taken up by the committee some years ago, but the pendency of the cases in the courts made the efforts of the committee of no avail. The matter is in such shape now, I understand, that the control of this property ought to be with the Commissioners, and the property ought to be handled for the benefit of the District of Columbia.

Yours, truly,

JAMES McMILLAN.

Hon. JOHN W. ROSS,  
*President Board District of Columbia Commissioners.*

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OFFICE OF PUBLIC BUILDINGS AND GROUNDS,  
*Washington, April 27, 1898.*

MY DEAR SENATOR: I see by the papers that the bill has passed the House giving the Commissioners of the District jurisdiction over the parking. This seems to me a very good arrangement in general; but I venture to suggest that the wording of the law should be so amended that the triangular spaces formed at the intersections of streets by the intersections of parking should be placed under the jurisdiction of this office, because these spaces can never be built upon, being property of the United States, and also because they form a part of the park system of this city. They have always been regarded by this office as under its jurisdiction, but it would be better, it seems to me, to have this specifically stated in the law.

I also venture to mention that it has always seemed to me that where parkings are reserved in the center of a street or avenue these should also be transferred to the jurisdiction of this office, because they are really also a part of the park system, and do not fall under municipal jurisdiction, as do the parkings immediately in front of houses.

I have discussed this matter with General Wilson, and it is at his suggestion that I thus communicate with you.

With high regards, very truly, yours,

THEO. A. BINGHAM,  
*Colonel, United States Army.*

Hon. JAMES McMILLAN,  
*United States Senate.*

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OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,  
*Washington, May 6, 1898.*

SENATOR: In compliance with your letter of April 28, the Commissioners have the honor to submit herewith the draft of a bill relative to the control of wharf property and certain public spaces in the District of Columbia.

The laws governing the control of wharf property in the District of Columbia are somewhat obscure, so that it is uncertain whether the control of such property is vested in the Chief of Engineers of the United States Army or in the Commissioners of the District of Columbia. As a matter of fact, it is claimed by both, and the Commissioners are and have been for some years in receipt of rentals for wharf property leased by them from time to time. At the same time, the validity of their action is so uncertain that they have not been able in all cases to collect the rentals accruing under such leases. It seems quite essential, therefore, that the laws governing the matter should be made positive and clear.

The first and second sections of the inclosed bill relate to the control of wharf property, and are so drawn that the control of this property is vested either in the Chief of Engineers of the United States Army or in the Commissioners of the District of Columbia, as Congress in its wisdom may decide. They are modeled after the present wharf laws of the city of New York.

The remaining sections of the bill relate to the various parks and reservations in the District. A close examination of these parks shows that they consist of three classes, namely:

- (1) Original "appropriations."
- (2) Land acquired by purchase and set aside for park purposes.

## (3) Street spaces at the intersections of streets and avenues.

With the first two classes the bill has nothing to do, except as to such portions of them as may lie outside of building lines and may be needed for street purposes.

It is uncertain in whom the jurisdiction over the third class is vested, as the legislation on the subject is obscure and contradictory. Under section 225 of the Revised Statutes Relating to the District of Columbia, the District authorities have laid out in many of the street spaces circles and other reservations of various forms where the space was not needed for roadways or sidewalks. By agreement between the District authorities and the Chief of Engineers, some of these have been placed under the control of the latter-named officer. At the same time, there are a number of such spaces within the District of Columbia which the Chief of Engineers has declined to accept for park purposes. These spaces occur sometimes as triangles, trapezoids, or circles, surrounded by roadways, and at other times in the form of irregular spaces formed by the parking at the intersections of streets and avenues.

It is very necessary that the laws concerning the control of such spaces should be positive and clear, more especially since upon such legislation depends the distribution of assessments for special improvements, such as sidewalks, sewers, water mains, and the expenditure of the appropriation for sidewalks around public reservations.

In Appendix CCC of the report of the Chief of Engineers for the year 1894 there appears a list of the various spaces claimed by the Chief of Engineers as reservations and public spaces under his charge, together with a map showing their location. This list contains all of the parks and reservations in the three classes mentioned above.

The list of reservations contained in the proposed bill embraces, so far as the information of the Commissioners can determine, all of the spaces of the third class which should at present be placed in charge of the Chief of Engineers. The spaces mentioned in the list contained in Appendix C C C, which are omitted from the bill, are confined to the first and second classes mentioned, and to other spaces which should not now be under the charge of the Chief of Engineers, either because they are too small for park purposes or are entirely covered by sidewalks or roadways, or because they can not be properly defined at present on account of the sidewalk, roadway, and parking lines not being laid out, due to the lack of improvement of the streets in which they lie. The only exception to the above is the case of one reservation—marked No. 125 in the list printed in Appendix C C C, before mentioned—on which a schoolhouse has been located for many years.

A list of the omitted so-called parks, with the reasons for their omission from the draft of the bill, is appended hereto.

The legislation asked for, included in the bill, is believed to be very greatly needed, and early and favorable action by the committee is respectfully and earnestly requested.

Very respectfully, yours,

JOHN W. ROSS,

*President Board of Commissioners District of Columbia.*

Hon. JAMES McMILLAN,

*Chairman Committee on the District of Columbia, United States Senate.*



